

Milwaukee  
•  
Madison  
•  
Oshkosh  
•  
Green Bay  
•  
Sheboygan  
•  
Brookfield

***Davis & Kuelthau, s.c.***

ATTORNEYS AT LAW

111 East Kilbourn Ave., Suite 1400  
Milwaukee, WI 53202-6613  
Direct Dial: (414) 225-1452  
Direct Fax: (414) 278-3652  
Email: jheino@dkattorneys.com

November 5, 2004

**VIA FACSIMILE**

United States Patent and Trademark Office  
Attn: Ms. Gena Jones  
Office of Legal Administration

**Re: U.S. Pat. No. 10/604,954 and 10/604,956**

Dear Ms. Jones:

Per your telephone conversations with my legal assistant on November 4, 2004, attached is a copy of the Request for Refund Pursuant to 35 U.S.C. §42 which was filed December 4, 2003, and the United States Patent and Trademark Office acknowledgment of the filing of this Request for 10/604,954.

I also understand that you asked that we list all of the duplicate applications that we wish to be reimbursed. The applications are as follows:

|            |            |
|------------|------------|
| 10/604,949 | 10/604,952 |
| 10/604,950 | 10/604,954 |
| 10/604,951 |            |

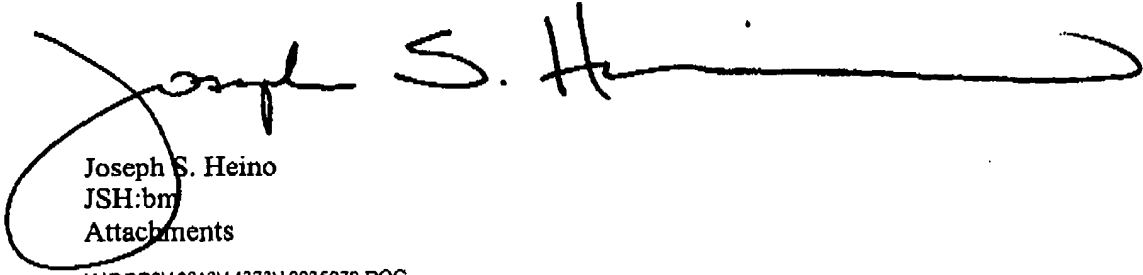
As the fees for these applications were drawn on General Electric Deposit Account 070845, we do not have access to know if any monies have as yet been refunded regarding these five applications. We only have permission to designate the account when filing a General Electric patent application.

You also asked that we make a specific distinction as to which one of the duplicate applications we would wish to have prosecuted. That application would be 10/604,956.

If you have any further questions, please do not hesitate to contact us.

Best Regards,

Davis &amp; Kuelthau, s.c.



Joseph S. Heino  
JSH:bm  
Attachments

N:\DOCS\12812\14373\10025970.DOC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**REFUNDS BRANCH**

In re application number:  
10/604,954

Filed: August 28, 2003

For: METHOD FOR TUBE SPIT CORRECTION BASED ON HIGH VOLTAGE  
OUTPUT

Inventors: Jiang Hsieh, et al.

Attorney Docket No. 12812.14373

Mail Stop 16  
Director of the US Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax (703) 308-5077

**REQUEST FOR REFUND PURSUANT TO 35 U.S.C. §42**

On August 28, 2003 an administrative assistant, Barbara Majewski, under the supervision of Joseph S. Heino, Reg. No. 31,524, attempted to file an application using the Electronic Filing System (EFS). Upon submission, she received an Acknowledgement and Receipt form that contained several blanks. Having been through the process several times, Ms. Majewski recognized that the form was incomplete and immediately suspected a problem with the submission. In addition to not listing the documents submitted, the form she received was missing information

such as the application number, the title of the invention, the attorney's docket number and the digital certificate holder's name. Additionally, the Acknowledgment and Receipt form listed the total file size as zero bytes, indicating to her that no files had been transmitted.<sup>1</sup> Under the mistaken impression that no application had been submitted, Ms. Majewski attempted to resubmit the application. Upon resubmission, she received yet another Acknowledgment and Receipt form that was missing the same information. She resubmitted the application a total of four more times. Each time she submitted the application, she received an Acknowledgment and Receipt form missing the same information.

At some point, Ms. Majewski contacted the Electronic Business Center, specifically a Marti Winslow, who indicated that there had been a problem with the Electronic Filing System (EFS). Mr. Winslow also indicated that he had selected Application Serial No. 10/604,956 to be the surviving application and that, due to the problem with the EFS, the application fees for each of the other applications would be refunded. Unfortunately, the applicant never received a refund and now has started to receive the Office Filing Receipts for these applications. At this time the applicant would like to abandon application number serial number **10/604,954**.

Prosecution of sixth application, Serial No. 10/604,956 will be continued.

Based on the foregoing, counsel believes that the applicant is entitled to a refund of \$1,006.00 for the application fee for Application Serial No. **10/604,954**. Therefore, the applicant respectfully requests a refund pursuant to of the application fees to be credited to Deposit Account No. 070845, which is held by General Electric.

---

<sup>1</sup> A copy of the Acknowledgement and Receipt form is attached hereto as Exhibit A.

Dated this 4<sup>th</sup> day of December, 2003.

Respectfully submitted,

By 

Joseph S. Weino

Reg. No. 31,524

DAVIS & KUELTHAU, s.c.

111 E. Kilbourn Ave., Ste. 1400

Milwaukee, WI 53202-1633

414.225.1452



**UNITED STATES PATENT AND TRADEMARK OFFICE**

December 5, 2003

JOSEPH S. HEINO, ESQ.  
111 E. KILBOURN AVENUE  
SUITE 1400  
MILWAUKEE, WI 53202-1633  
US

Dear Sir/Madam,

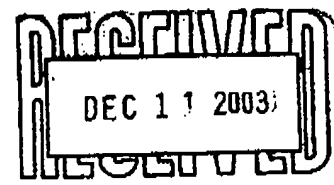
This is to Acknowledge receipt of your refund request in the amount of \$1,006.00 for patent/serial number 10604954.

Your request has been forwarded to Technical Center Others for review and processing.

To inquire about the status of your refund request, please call 703 306-3338.

Thank you,

Refund Section, Office of Finance



11/08/2004 12:42

4142890112

DAVIS & KUELTHAU

PAGE 07

TRANSMISSION VERIFICATION REPORT

TIME : 11/05/2004 17:11

|              |             |
|--------------|-------------|
| DATE, TIME   | 11/05 17:11 |
| FAX NO./NAME | 15172737727 |
| DURATION     | 00:00:00    |
| PAGE(S)      | 00          |
| RESULT       | BUSY        |
| MODE         | STANDARD    |

BUSY: BUSY/NO RESPONSE

TRANSMISSION VERIFICATION REPORT

TIME : 11/05/2004 16:49

|               |             |
|---------------|-------------|
| DATE, TIME    | 11/05 16:49 |
| FAX NO. /NAME | 15172737727 |
| DURATION      | 00:00:00    |
| PAGE(S)       | 00          |
| RESULT        | BUSY        |
| MODE          | STANDARD    |

BUSY: BUSY/NO RESPONSE

TRANSMISSION VERIFICATION REPORT

TIME : 11/05/2004 16:12

|               |             |
|---------------|-------------|
| DATE, TIME    | 11/05 16:12 |
| FAX NO. /NAME | 15172737727 |
| DURATION      | 00:00:00    |
| PAGE(S)       | 00          |
| RESULT        | BUSY        |
| MODE          | STANDARD    |

BUSY: BUSY/NO RESPONSE



## TRANSMISSION VERIFICATION REPORT

TIME : 11-05/2004 15:41

|              |             |
|--------------|-------------|
| DATE/TIME    | 11-05-15:41 |
| FAX NO./NAME | 15174787727 |
| DURATION     | 00:00:00    |
| PAGE/S       | 00          |
| RESULT       | BUSY        |
| MODE         | STANDARD    |

BUSY: BUSY/NO RESPONSE

**BEST AVAILABLE COPY**